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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,627	03/06/2002	Bas Ording	P2349-506	4921
7590	10/06/2004		EXAMINER	
Philip W. Marsh BURNS, DOANE, SWECKER & MATHIS, L.L.P. P.O. Box 1404 Alexandria, VA 22313-1404			TRAN, MYLINH T	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/090,627

Applicant(s)

BAS ORDING

Examiner

Mylinh T Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03/06/02 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892) \*
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 9-16 and 18-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Clanton, III et al. [US. 5,745,710].

As to claims 1, 14 and 23, Clanton, III et al. teaches a computer implemented method and corresponding apparatus for providing an aesthetically pleasing transition between two or more menu bars comprising the steps/means for determining to change from a first menu bar currently displayed (figure 5, 82, 84, 86, 88 and 90 are menu bars, figure 8, (98) is the first menu bar currently displaying); updating a computer display to display a second menu bar in place of the first menu bar (when user touches a second menu (88), the "aftershock" menu bar will display to replace for the first menu bar "love daze"); and rendering animation graphics to animate the transition between the first and second menu bars (column 9, lines 37-60).

As to claims 2 and 15, Clanton, III et al. also teaches detecting a triggering event (column 8, line 62 through column 9, line 10); wherein the step of determining is performed in response to the detected triggering event (column 8, line 21 through column 9, line 10).

As to claims 3 and 16, Clanton, III et al. shows the triggering event comprising a user initiated event (column 8, line 62 through column 9, line 28).

As to claims 9 and 18, Clanton, III et al. also shows the animation graphics comprising rotation animation graphics (column 9, lines 30-67).

As to claims 10 and 19, Clanton, III et al. provides the animation graphics comprising scrolling animation graphics (column 3, lines 32-51).

As to claims 11 and 20, Clanton, III et al. also provides the animation graphics comprising three-dimensional animation graphics (column 8, lines 20-36).

As to claims 12 and 21, Clanton, III et al. demonstrates the three-dimensional animation graphics comprising animation graphics utilizing gray scales (column 10, lines 26-53).

As to claims 13 and 22, Clanton, III et al. also demonstrate the three-dimensional animation graphics utilize gray scale to virtual lighting effect (column 9, line 53 through column 10, line 26).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said

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subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clanton, III et al. [US. 5,745,710].

As to claim 4, Clanton, III et al. teaches a touching input device (column 11, lines 1-15). Clanton, III et al. fails to teach a mouse click event. However,

**Official Notice is taken** that implementations of triggering event comprising the mouse click event well know in the art. It would have been obvious to one of skill in the art, at the time the invention was made, to combine the well know implementations of the mouse click event to Clanton, III et al.

Motivation of the combine is for selecting items or object or choosing command on the screen.

As to claims 5 and 8, Although Clanton, III et al. discloses of the first and second menu bars in one application, they do not explicitly mention changing application while transiting between the first and second menu bar.

However, it is well known in the state of the art that the first and second menu bars are implemented in a first and second applications, so a step of changing which application is currently active in the computer operating system. **The Examiner takes OFFICAL NOTICE.** It would have been obvious to one of ordinary skill in the art, having the teachings of Clanton, III et al. before him, one application of Clanton, III et al. to be multiple

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applications in order for presenting plural applications, as made known in the state of the art.

As to claims 6-7 and 17, Clanton, III et al. teaches the transition between the first and second menu bars. Clanton et al. fails to teach the step of changing comprising opening an application, quitting an application. However, **Official Notice is taken** that implementations of the step of changing which application is currently active in the computer operating system are well known in the art. In light of the rejection set forth above, it would have been obvious to one of skill in the art, at the time the invention was made, to combine the well known implementations of the step of changing comprise opening and quitting the application to Clanton, III et al. Motivation of the combine is for navigating plurality of application windows.

### ***Conclusion***

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires fax a response, (703) 872-9306 for all kind of communications. NOTE, A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for information facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran whose telephone number is (703) 308-1304. The examiner can normally be reached on Monday-Thursday from 8.00AM to 6.30PM

If attempt to reach the examiner by telephone are unsuccessful, the examiner 's supervisor, Heather Herndon, can be reached on (703) 308-5186,

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Mylinh Tran

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BA HUYNH  
PRIMARY EXAMINER